

STATE OF WISCONSIN

CIRCUIT COURT

CHIPPEWA COUNTY

ADAM LaGESSE,
8620 230th Avenue
New Auburn, WI 54757

Case No.: _____
Case Code: 30100 – Products Liability

Plaintiff,

v.

JAMES RIVER ARMORY, INC.,
745 U.S. 117 S.
Suite D
Burgaw, NC 28425

Defendant.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Michael D. Schwartz and Brandon M. Schwartz of Schwartz Law Firm appear on behalf of Plaintiff, Adam LaGesse, in the above-entitled action. Demand is hereby made that copies of all pleadings and notices of all proceedings be served upon our offices, 600 Inwood Avenue N, Suite 130, Oakdale, Minnesota 55128.

SCHWARTZ LAW FIRM

Electronically signed by Michael D. Schwartz
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Attorneys for Plaintiff

Dated: October 26, 2021

STATE OF WISCONSIN

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ADAM LaGESSE,
8620 230th Avenue
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Plaintiff,

SUMMONS

v.

JAMES RIVER ARMORY, INC.,
745 U.S. 117 S.
Suite D
Burgaw, NC 28425

Defendant.

THE STATE OF WISCONSIN, to each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is also served upon you, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is, Chippewa County Clerk of Courts, 711 N. Bridge Street, Chippewa Falls, WI 54728 and to Michael D. Schwartz and Brandon M. Schwartz, Plaintiff's attorneys, whose address is, Schwartz Law Firm, 600 Inwood Avenue N, Suite 130, Oakdale, MN 55128. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

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8620 230th Avenue
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Plaintiff,

COMPLAINT

v.

JAMES RIVER ARMORY, INC.,
745 U.S. 117 S.
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Burgaw, NC 28425

Defendant.

Plaintiff Adam LaGesse, by and through his attorneys, Schwartz Law Firm, for his Complaint against Defendant James River Armory, Inc., states and alleges as follows:

THE PARTIES

1. Plaintiff Adam LaGesse (“LaGesse”) is, and at all times material herein was, an individual residing at 8620 230th Avenue, in the city of New Auburn, County of Chippewa, State of Wisconsin.
2. Defendant James River Armory, Inc. (“James River Armory”) is, and at all times material herein was, a corporation with its principal office at 745 U.S. 117 S., Suite D, Burgaw, North Carolina, 28425.
3. James River Armory is, and at all times material herein was, doing business in the state of Wisconsin offering firearms for sale.
4. This Court has jurisdiction over the parties.
5. This Court is the proper venue for the dispute between the parties.

COUNT I - NEGLIGENCE

6. LaGesse reasserts and realleges the allegations contained in the paragraphs above.
7. On or about October 20, 2017, LaGesse purchased a BM-59 MK-4 Mag Fed .308 firearm, serial number 1563, which firearm was manufactured, sold and distributed by James River Armory ("JRA Rifle").
8. On Saturday, October 27, 2018, LaGesse was properly shooting the JRA Rifle when the receiver of the JRA Rifle exploded in his face.
9. Unbeknownst to LaGesse, the JRA Rifle receiver was cast versus forged and as a result the core of the receiver was brittle and subject to failure.
10. The defects in the receiver of the JRA Rifle made the rifle unsafe to fire.
11. James River Armory knew of the defects in the receiver of the JRA Rifle making the JRA Rifle unsafe to fire sometime prior to July 4, 2018.
12. James River Armory failed to disclose to LaGesse that the JRA Rifle receiver was cast versus forged.
13. James River Armory failed to timely inform LaGesse of the defect in the JRA Rifle receiver after it learned of the defect and prior to the injury to LaGesse.
14. James River Armory manufactured, distributed and placed in the stream of commerce a defective and unreasonably dangerous firearm when it offered and sold the JRA Rifle to LaGesse.
15. James River Armory failed to exercise that degree of care that a reasonable person would exercise upon learning that the core of the receivers of JRA Rifles were brittle and unsafe to fire.

16. The actions of James River Armory in offering and selling rifles with cast receivers and failing to timely notify purchasers of rifles with faulty receivers constitute willful indifference to the rights and safety of others such that punitive damages under applicable Wisconsin law is appropriate.
17. As a direct and proximate result of the negligence of James River Armory and the JRA Rifle receiver blowing up in the face of LaGesse, he suffered physical damage to his face.
18. As a direct and proximate result of the negligence of James River Armory and the JRA Rifle receiver blowing up in the face of LaGesse, he incurred pain and suffering.
19. As a direct and proximate result of negligence of James River Armory and the JRA Rifle receiver blowing up in the face of LaGesse, he has lost income.
20. As a direct and proximate result of negligence of James River Armory and the JRA Rifle receiver blowing up in the face of LaGesse, he has incurred medical expenses.
21. As a direct and proximate result of negligence of James River Armory and the JRA Rifle receiver blowing up in the face of LaGesse, he has suffered mental distress and his lost the enjoyment of shooting firearms and hunting.
22. As a direct and proximate result of the negligence of James River Armory and the JRA Rifle receiver blowing up in the face of LaGesse, he has suffered other damages, the nature and extent of which will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Adam LaGesse prays for judgment against Defendant James River Armory, Inc. as follows:

- A. For all monetary damages against James River Armory as set forth in Count I in an amount to be awarded by the jury for LaGesse's pain and suffering, physical damage, loss

of income, mental distress, medical expenses, loss of enjoyment of shooting and hunting, and such other damages as shall be proven at trial;

- B. For punitive judgment against James River Armory in such amount as may deter James River Armory and others similarly situated from selling defective firearms and failing to timely inform purchasers of firearms that the firearms they purchased are defective;
- C. For costs, disbursements and attorneys' fees as allowed by applicable law and/or equity; and
- D. For such other and further relief as the Court deems just and equitable.

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PLAINTIFF'S DEMAND FOR JURY TRIAL

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Defendant.

Plaintiff Adam LaGesse, through his counsel, hereby demands a twelve (12) person jury trial.

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